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Paper No. 4

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OFFICE OF PETITIONS

In re Application of :  
Bass et al. :  
Application No. 10/004,295 :  
Filed: December 6, 2001 :  
Attorney Docket No. 19421.00 :

DECISION GRANTING  
PETITION

This is a decision on the petition filed April 8, 2002, to establish that Figure 17D was part of the originally filed application.

On December 6, 2001, the application was filed.

On February 13, 2002, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s)" stating that the application had been accorded a filing date of December 6, 2001, and advising applicants that Figure 17D described in the specification appeared to have been omitted.

In response, the present petition was filed alleging that Figure 17D was deposited on December 6, 2001. In support, petitioner has submitted a postcard receipt which acknowledges receipt of "Formal Dwg. 98 sheets & 98 Figs." on December 6, 2001.<sup>1</sup> Petitioner has also submitted a copy of the missing documentation- Figure 17D.

Upon review of the record, Figure 17D, deposited on December 6, 2001, has not been located. However, the evidence is convincing that the application papers deposited on December 6, 2001, included Figure 17D, and that Figure 17D was subsequently misplaced in the PTO.

In view of the above, the petition is **granted**. The copy of Figure 17D submitted with the petition will be used for examination purposes.

No petition fee is required and none has been charged.

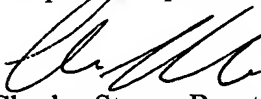
The Notice mailed February 13, 2002, was sent in error and is hereby vacated.

The Application is being returned to the Office of Initial Patent Examination for further processing with a filing date of December 6, 2001, using the application papers filed on December 6, 2001, and the copy of Figure 17D filed on April 8, 2002.

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<sup>1</sup> Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self addressed post card properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the post card in the outgoing mail. "A post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." M.P.E.P. § 503.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.



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Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy